

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

VIVIAN BERT, et al.	:	Case No. C-1-02-467
	:	
Plaintiffs,	:	Judge Beckwith
	:	
v.	:	Magistrate Judge Hogan
	:	
AK STEEL CORPORATION	:	DEFENDANT'S MOTION FOR
	:	LEAVE TO FILE A SURREPLY IN
Defendant.	:	RESPONSE TO PLAINTIFFS' REPLY
	:	<u>MEMORANDUM</u>

Pursuant to this Court's Local Civil Rule 7.2(a)(2), Defendant AK Steel Corporation ("AK Steel") moves the Court for leave to file the attached Surreply in response to Plaintiffs' Reply Memorandum. Plaintiffs have filed a new report of their expert, Dr. Bradley ("Bradley Declaration") and then provided legal argument in their Reply using that new evidence. Furthermore Plaintiffs' Reply contains patently incorrect statements of law. AK Steel respectfully requests the opportunity to respond to this new evidence and to these incorrect statements of law through the filing of the attached Surreply.

Respectfully submitted,

s/ Gregory Parker Rogers  
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was electronically filed on January 23, 2006 using the Court's CM/ECF system, which will send notice of this filing to Susan Donahue, Wiggins, Childs, Quinn & Pantazis, P.C., The Kress Building, 301 19th Street North, Birmingham, Alabama 35203, Paul H. Tobias and David Kammer, Kraus & Torchia, 911 Mercantile Library Building, 414 Walnut Street, Cincinnati, Ohio 45202 and David Sanford, Sanford, Wittels & Heisler, L.L.P., 2121 K Street, N.W., Suite 700, Washington, D.C. 20037

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